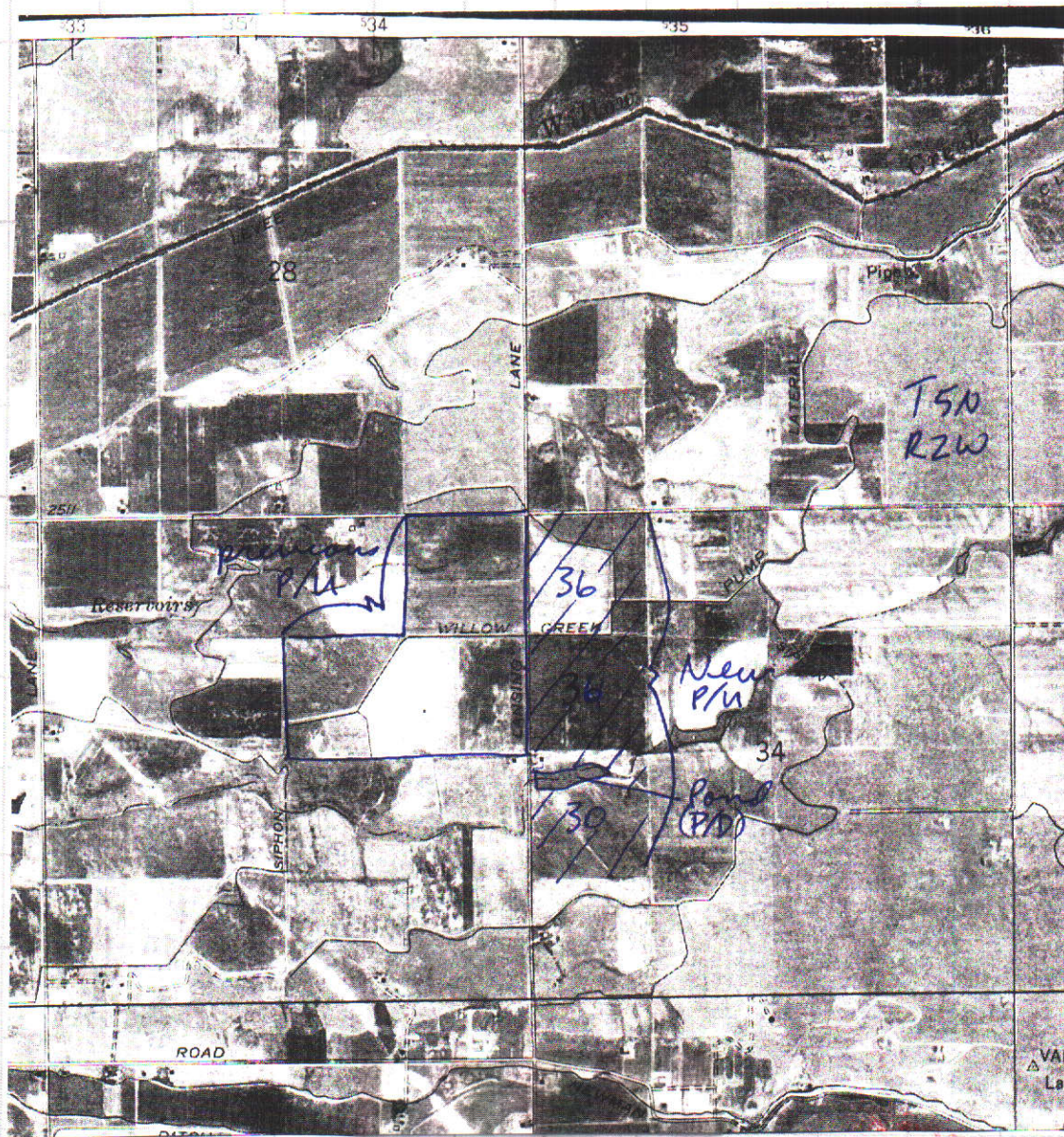


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
) ss.
County of Canyon.)

NOTICE OF EXISTING
WATER PERMIT

Notice is hereby given that Jerry Devereaux, Route 7, Caldwell, Idaho 83605, has received an approved Permit No. 32837/63-3499 issued by the Idaho Department of Water Resources authorizing the diversion storage of 2.40 cubic feet per second of water from an unnamed stream (drain). The priority to be established under this permit is April 15, 1966 and the permit was approved April 18, 1966.

Water is to be diverted by Levee pond, pump, pipeline from a point within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, Twp. 5N, Rge. 2W, B.M., Canyon County to be used for Irrigation and stockwater purposes in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 33; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34; All in Twp. 5N, Rge. 2W, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on March 28, 1977. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Resources, Statehouse, Boise, Idaho, 83707, within ten (10) days of the last date of publication of this notice.

C. STEPHEN ALLRED

Director

April 21, 28, 1977

Verla Harker
of Caldwell, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the News-Tribune, a daily, (except Sunday) newspaper published in the City of Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two Times
in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

April 21, 28, 1977

Verla Harker

Subscribed and sworn to before me this _____

28th
19 77

day of April

Adam D. Kaw

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1979.

NOTED

A 10x10 grid with a red L-shaped boundary. The boundary starts at the intersection of the 4th vertical line and the 5th horizontal line, extends right to the 5th vertical line, then up to the 6th horizontal line, then left to the 4th vertical line, and finally up to the 7th horizontal line. The labels are as follows:

- Top-left corner: $Twp - 5N$
- Top-right corner: $Rge - 2W$
- Bottom-left corner: 33
- Bottom-right corner: 34
- Center of the L-shape: $*$

FOR A. KENNETH DUNN
Administrator, Operations Division

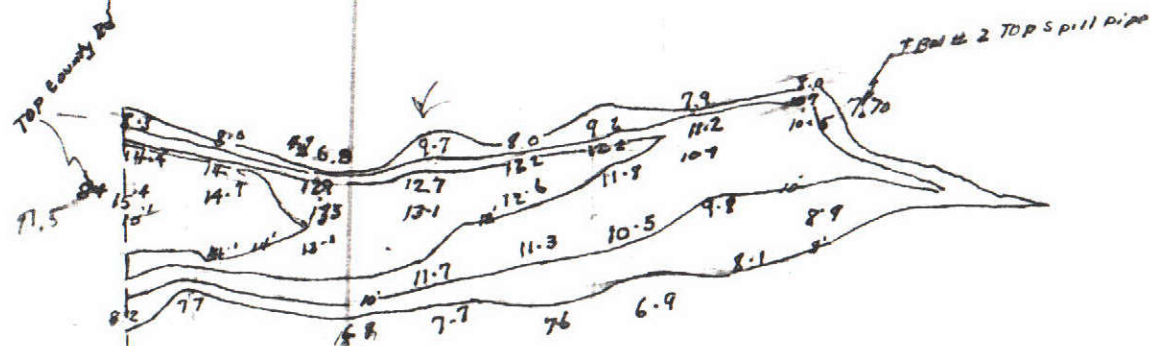
Prop
provided by:
Soil conservation Service

$$2.4 \text{ cfs} \cdot 4.8 \text{ AC/day} \times 4 = 19.2$$

NO INFLOW

$$120 \text{ mi} = 2.4 \text{ cfs} = 4.8 \text{ AC-FY/DAV}$$

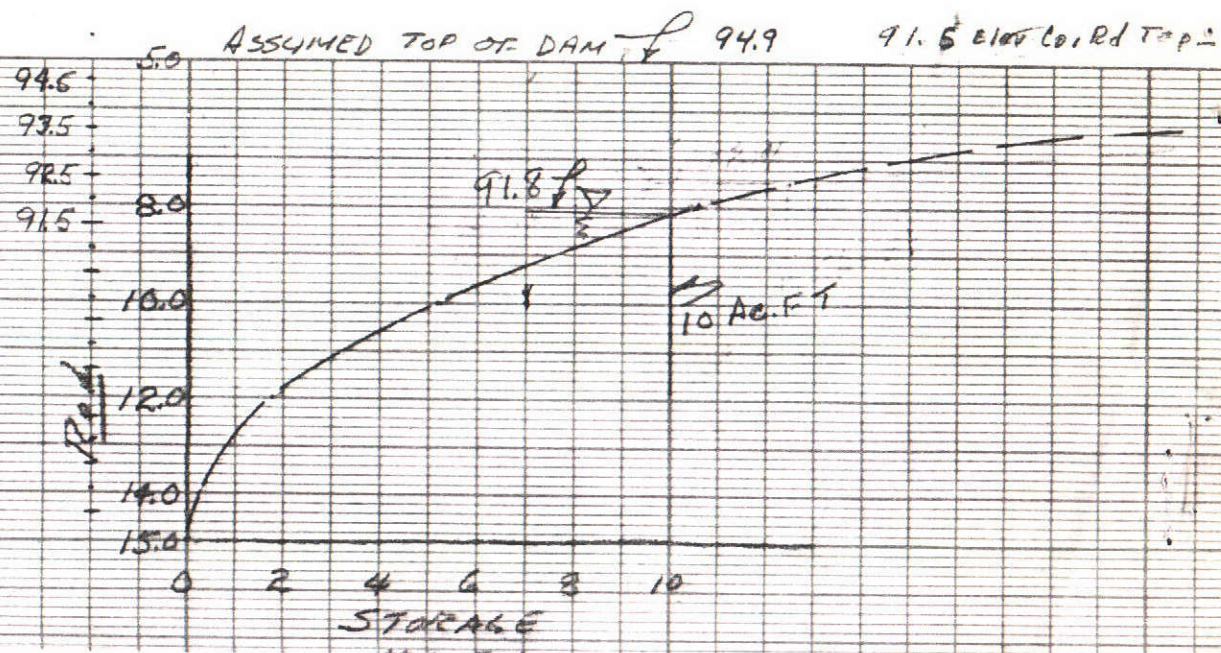
$$\pm \text{DAY} = \frac{10.6}{4.8} = 2.2 \text{ DAYS}$$



8' contour	(3.5)(0.9183)	= 3.24	} = 2.20
10' "	(2.4)(0.9183)	= 2.20	
12' "	(1.25)(0.9183)	= 1.15	
14' "	(0.40)(0.9183)	= 0.37	
		7.27	4.07

ASSUME WS @ 9.0' vol.

$$\text{Total acre ft} = \underline{7.27}$$



MICROFILMED

This is an aerial photograph overlaid with a land survey map. The map shows several land parcels, some of which are shaded in dark grey. Handwritten annotations in blue and black ink are present throughout the map.

Parcel Labels and Numbers:

- Top Left:** B607 552B, 25.2, 3.7, B767 548B, B 29.6, C 22, D 12.8, E 5.5, G 12.8, F 32.6, H 17.0, I 14.6, J 3.3, K 20.8.
- Top Center:** B178 552B, 5.2, 2.4, 10.5, 8.5, 11.9, 4.6.
- Top Right:** B771 551B, A 20.9, E 16.8, D 19.7, 567B.
- Center:** B179 549B, F 18.6, G 4.6, 6A, 19A, 25 (circled), 15HP, P.D., 7.27AF.
- Bottom Left:** B210 650B, B 3.4, C 11.3, B594 649B, B760 649B, 13.4 B.
- Bottom Center:** 651B, 656B, 64A, 2.7, B582 634B, B 13.9, C 17.
- Bottom Right:** B194 657B, K 29.1, F 8.2, 570, 3334 43, B20 652B, B 3.1, C 8.2.

Handwritten Annotations:

- Top Right:** R2W, 21A, 17A, 38 (circled), 39A (circled), 10" P.V.E.
- Center:** T 5 N, 19A, 25 (circled), 6A.
- Bottom Right:** 15HP, P.D., 7.27AF.

MICROFILMED

NOT TO SCALE

MAP (Attach Aerial Photo)

A hand-drawn map on a grid background. The map features a stream labeled "unnamed stream" with arrows indicating flow direction. Several numbered points are marked: 38, 25, 39, 33, and 34. A road is labeled "R2W". A vertical line is labeled "T5N". A small area is labeled "I".

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NW SW Sec 34 T5N R2W

Place(s) of Use

[illegible]

Recommended Amendments:

- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
- ☐ Add P.U. as reflected above

- ☐
- None

☒ Other

Storage for Itr.

Add-Irr. from storage

Examiner's Signature John X. Noyes

Date 12/18/80

Checked by _____ .0135

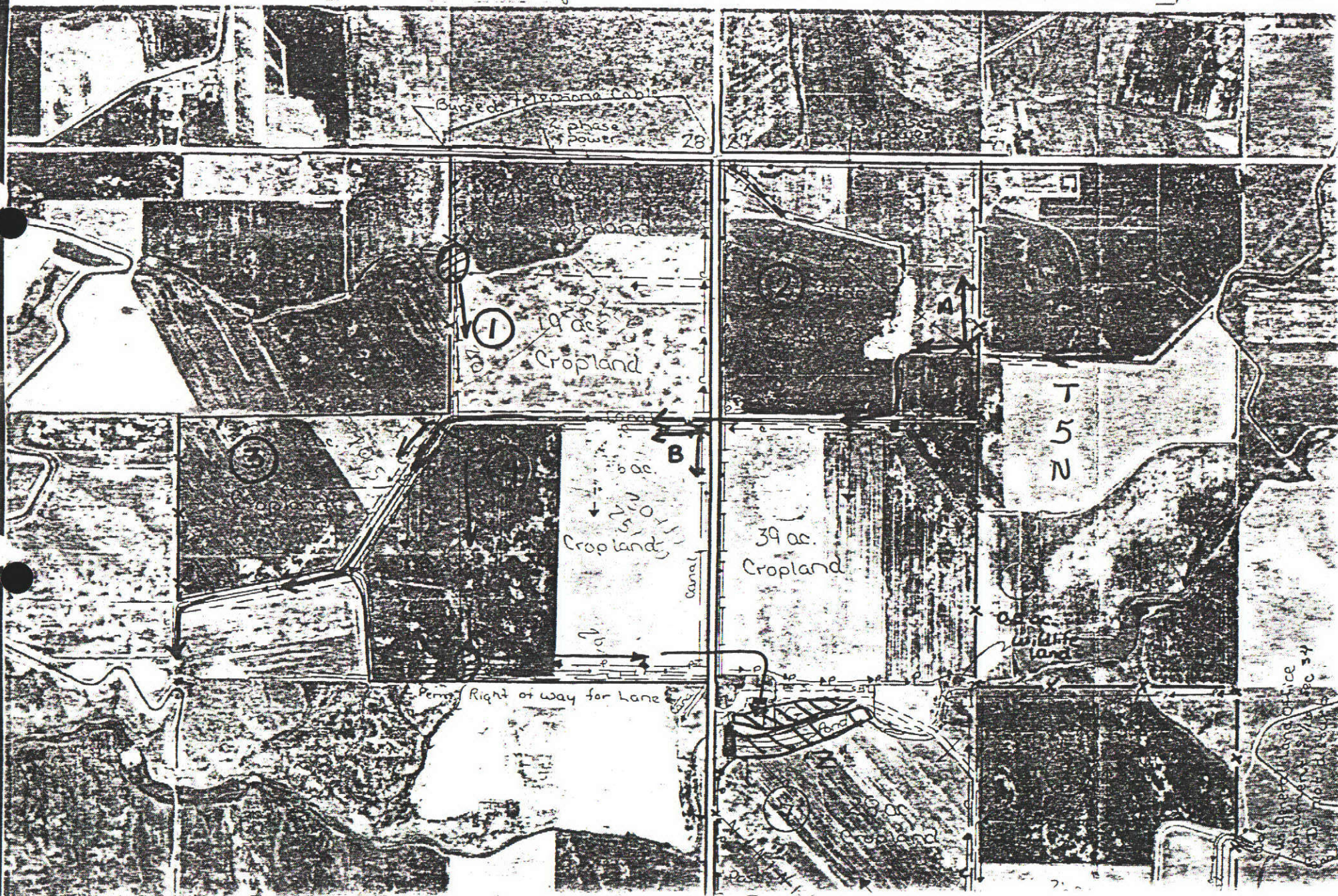
Date 12/18/80

Approved by

Date 4/21/83

Owner Jerry Devereaux Operator Jerry Devereaux
County Canyon State Idaho Date 3/2/76
Approximate acres 310 Approximate scale 8" = 1 Mi
Cooperating with Canyon Soil _____ Conservation District _____
Plan identification _____ Photo number 188-103
Assisted by Bryson Fitch USDA Soil Conservation Service

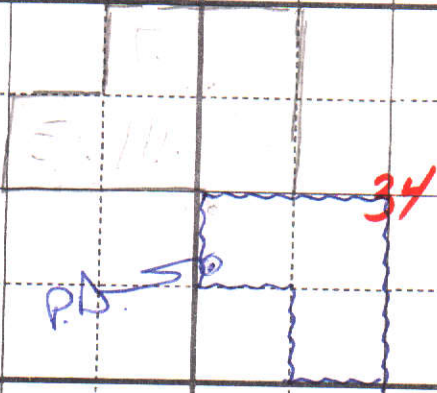
MICROFILMED



Jerry Devereaux

Page 2 (e) B. M.

Top. 5 N.



32837

Permit Map 1
As Approved APR 18 1966
CARL E. TAPPAN
State Reclamation Engineer

Office Copy

✓ 32837
63-3499

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 41007
PERMIT No. 32837
DISTRICT No.

1. Name of Applicant: **Jerry Devereaux**

Postoffice address: **Route #1, Caldwell**

County: **Canyon**

State: **Idaho**

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: **2.4** cubic feet per second. or **120 inches**

3. Source of water supply: **un-named stream (drain)** which is a tributary of

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B.M., and is in the **NW 1/4**

of section **34**, T. **5 N**, R. **2 W**, B. M., County of **Canyon**

5. Water is to be used for **irrigation - stockwater**

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ **2,000.00**

8. Kind of works: **Dam with outlet or spillway w/pump and 10 hp motor and sprinkler and open discharge.**

9. Height of dam **6** feet; length of dam at top **50** feet; length of dam at bottom **25**
feet; material used in dam: **Rock and Dirt**

10. Size of headgate: Width **2'** feet; height **2'** feet.

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is **Five** years.

13. The time required for the complete application of the water to the proposed use is **Six** additional years.

14. The land to be irrigated is described in the following tabulation: **See remarks.**

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

16. (a) Is reservoir to be used? **yes (small / diversion)** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

/s/ JERRY DEVEREAUX *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: 2:20 P.M. April 15, 1966

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is **32837**

Recorded in Book 115 Page 32837 Approved April 18, 1966

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before **June 18, 1966** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **October 18, 1968**

The whole of said work to be completed on or before **April 18, 1971**

Beneficial use of water appropriated in accordance herewith, to be made on or before April 18, 1977

WITNESS My hand this 18th day of April, 1966.

/s/ CARL E. TAPPAN
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,
and LOUIS E. CLAPP, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 18th
day of April, 19 66

STATE OF IDAHO

STATE OF IDAHO

Countersigned:

(SEAL) By /s/ LOUIS E. CLAPP
Secretary of State.

By /s/ W. E. DREVLOW Lt. Governor.

REMARKS:

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 N	2 W	34								40	40		40					120	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4344
WATER RIGHT NO. 63-03499

This is to certify that: **JERRY DEVEREAUX**
14060 RAYMOND DR
CALDWELL ID 83605

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.04 CFS	459.0 AF
IRRIGATION STORAGE	01/01 to 12/31		7.3 AF
IRRIGATION FROM ST	03/15 to 11/15		7.3 AF
STOCKWATER	01/01 to 12/31	0.04 CFS	2.0 AF
	Totals	2.08 CFS	468.3 AF

SOURCE

UNNAMED DRAIN

TRIBUTARY OF

WILLOW CREEK

Priority: 04/15/1966

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 34, Township 05N, Range 02W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 02W 34	NWNW 36	SWNW 36	NWSW 30	102
Total number of acres irrigated:				102

PLACE OF USE: IRRIGATION FROM ST, same as IRRIGATION use

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

RECORDED

AUG 04 1994

TRANSFER NO. 4344
WATER RIGHT NO. 63-03499

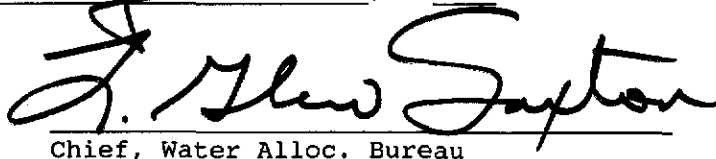
CONDITIONS/REMARKS:

2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Stockwater use is for 150 range cattle.

Dated this 27th day of

July

19 94



Chief, Water Alloc. Bureau

AUG 6 4 1994

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4344

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
JUN 23 1994

Department of Water Resources

Name of applicant JERRY DEVEREAUX Phone 454-1183
Post Office address 14060 RAYMOND DR CALDWELL ID 83605

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Property in sec 33 plans to be sold without this water right

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-03499</u>	<u>4/15/1966</u>	<u>2.04 cfs</u>	<u>IRRIGATION</u>	<u>3/15</u> to <u>11/15</u>
		<u>7.3 AF</u>	<u>IRR STORAGE</u>	<u>1/1</u> to <u>12/31</u>
		<u>7.3 AF</u>	<u>IRR FR STOR</u>	<u>3/15</u> to <u>11/15</u>
		<u>.04 cfs</u>	<u>STOCKWATER</u>	<u>1/1</u> to <u>12/31</u>

2. Total amount of water being transferred 2.08 cubic feet per second and/or 468.3 acre-feet per annum.
3. Source of water UNNAMED DRAIN tributary to WILLOW CR
4. Point(s) of Diversion: N/C

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>5N</u>	<u>2W</u>	<u>34</u>						<u>36</u>	<u>36</u>			<u>30</u>							<u>102</u>
								<u>5</u>	<u>5</u>			<u>5</u>							

RECEIVED
AUG 04 1994

Total acres 102

PART 1**6. General Information:**

a. Description of diversion system pump pipeline ditches

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Property has been sold and will maintain
Black Canyon irrigation etc.

d. Remarks:

The neighbors that previously received the wastewater
from the 102 acres in sec 33 will still receive
the wastewater when transferred to sec 34 because
of the ditch system.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

RECEIVED**AUG 04 1994**

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-03499

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.04 CFS	459.0 AF
IRRIGATION STORAGE	01/01 to 12/31		7.3 AF
IRRIGATION FROM ST	03/15 to 11/15		7.3 AF
STOCKWATER	01/01 to 12/31	0.04 CFS	2.0 AF
	Totals	2.08 CFS	468.3 AF

SOURCE

UNNAMED DRAIN

TRIBUTARY OF

WILLOW CREEK

Priority: 04/15/1966

LOCATION OF POINT(S) OF DIVERSION:NWSW , Sec. 34, Township 05N, Range 02W
CANYON CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 02W 33	NENE 38	SWNE 25	SENE 39	102
Total number of acres irrigated:				102

PLACE OF USE: IRRIGATION FROM ST, same as IRRIGATION usePLACE OF USE: STOCKWATER, same as IRRIGATION useCONDITIONS/REMARKS:

AUG 04 1994

Page _____ of _____

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

N If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.04 for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount .04 for stockwater purposes from 1/1 to 12/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: N/C

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>5N</u>	<u>2W</u>	<u>33</u>	<u>38</u>		<u>25</u>	<u>39</u>													<u>102</u>
			<u>5</u>		<u>5</u>	<u>5</u>													

Total acres 102

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: N/C

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

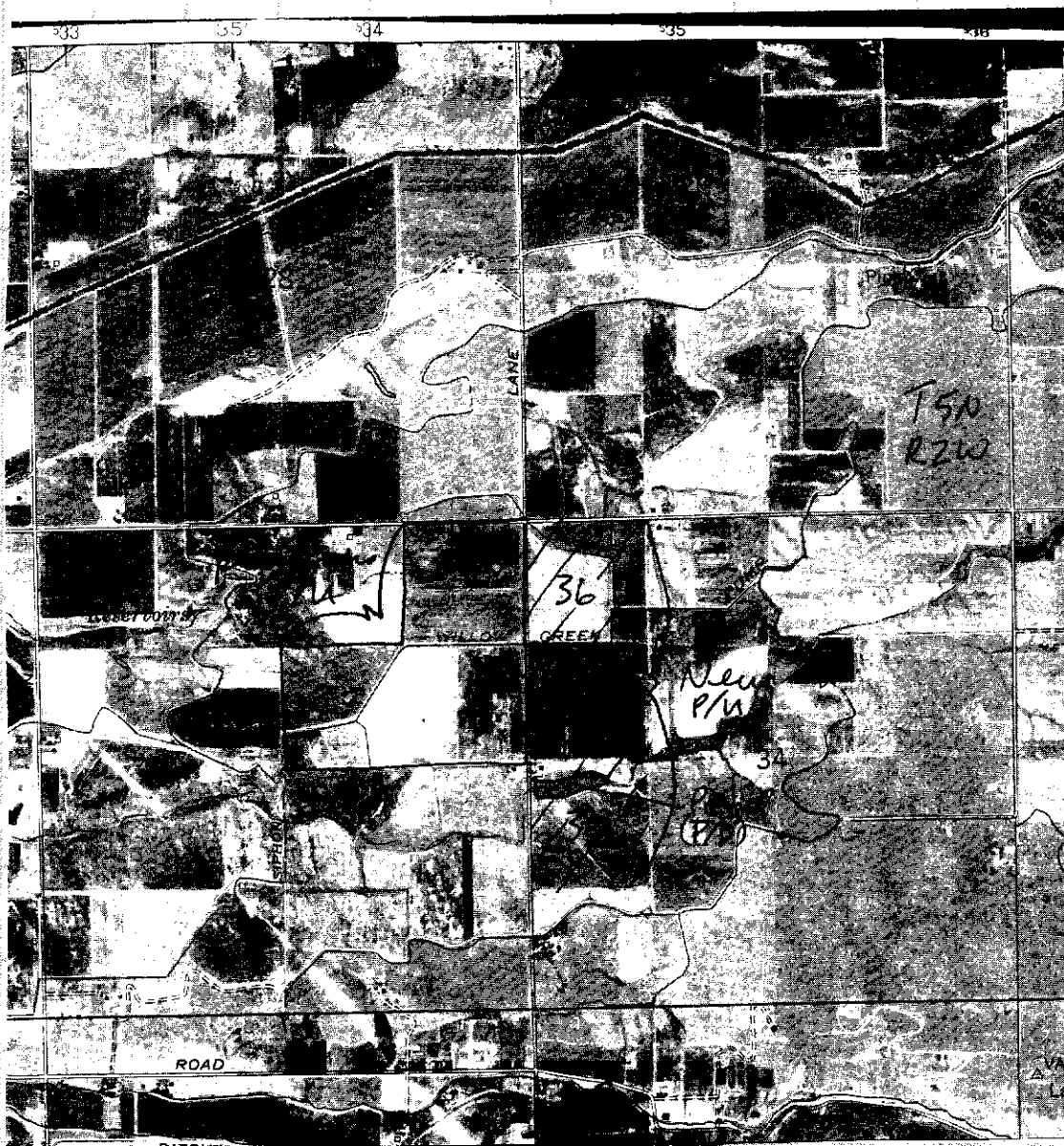
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE** *N/A*

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Jerry Devereaux
(Signature of Applicant)

Subscribed and sworn to before me this _____ day of *April 22*, 19 *94*.

LINDA WERNER

RESIDING AT EAGLE, IDAHO

(Notary Public)

My commission expires My Commission Expires Dec. 8, 1994

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by *g* Date *4/22/94*

Protest filed by _____

Prelim. check by _____ Fee *#50 W017402*Receipted by *g* Date *4/22/94*Published in *Id. Press Trib.*

Copies of protest forwarded by _____

Pub. dates *5-18 & 25, 1994*

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by *DW* **APPROVED**

Copy of transfer sent to lien holder _____

AUG 04 1994

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 04/25/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JERRY DEVEREAUX 14060 RAYMOND DR CALDWELL ID 83605 (208) 454-1183	04/15/1966	IRRIGATION	03-15 11-15	2.04 CFS	459.00 AFA
			IRRIGATION STORAGE	01-01 12-31		7.30 AFA
			IRRIGATION FROM STORAGE	03-15 11-15		7.30 AFA
			STOCKWATER	01-01 12-31	0.04 CFS	2.00 AFA
TOTAL DIVERSION:					2.08 CFS	468.30 AFA

Water Source: UNNAMED DRAIN

Tributary to: WILLOW CREEK

Stage: LICENSE

Point(s) of Diversion: T05N R02W S34

NWSW

CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
05N	02W	33	:	38		25		39								:									:	102.0
																								TOTAL ACRES	102.0	

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CANYON

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

RECEIVED

AUG 04 1994

VALIDATED TAX NOTICE AND RECEIPT

LEVY SHEETS AVAILABLE
KEEP TOP PORTION FOR YOUR RECORDS
PLEASE READ REVERSE
YOUR CANCELLED CHECK IS YOUR RECEIPT

3R37595-000- -0

Phone (208) 454-7354

AREA
31-00
MARKET VALUE
3,300

DEVEREAUX, JERRY R

14060 RAYBOND DR
CALDWELL ID 83605

Parcel No. 05MD2H330100
33 5N 2E NE
NE NE & S 1/2 NE LESS TX 1

PURPLE SAGE RD

OPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT



ENT IF NOT PAID ON OR BEFORE **June 20th 1994**

595-000- -0

2ND INSTALLMENT

445.74

PEN.
INT.
COST.
TOTAL



2nd

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE

ZELDA NICKEL

Please Make Checks Payable To:
CANYON COUNTY TAX COLLECTOR
P.O. BOX 1010
CALDWELL, IDAHO 83606

EAUX, JERRY R

TAXING DISTRICT	RATE	AMOUNT	RECEIPT
CEN HI	.000469093	3.82	FULL PAYMENT
PEST	.00073076	4.04	TAX 891.48
CANYON 04	.001268043	70.12	PEN.
ADB	.000200794	11.10	INT.
FIRE HI	.000926592	51.24	COST
COUNTY	.004955530	274.04	TOT.
SCH #134	.008628026	477.12	1ST INSTALLMENT
TOTAL LEVY	.016121154		TAX 445.74
			PEN.
			INT.
			COST
			TOT.
			2ND INSTALLMENT
			TAX 445.74
			PEN.
			INT.
			COST
			TOT.
TOTAL TAX		891.48	
TOTAL TAX DUE		891.48	

RECEIVED

AUG 04 1994

AGREEMENT

In regards to that certain closing of a property described, in the closing known as Escrow Number PC09889, as a portion of NE 1/4 NE 1/4 Sec 33 T5N R2W and now belonging to Jerry Devereaux, we the undersigned agree;

In as much as pond water has been used to provide some water for to the property referred to above, we understand our water rights to be from the weir now providing water from the Black Canyon lateral east of the subject property. We further agree to make no claim against the water now under license from the pond located in Section 34 and located approximately 7/10 of a mile south of the intersection of Purple Sage Road and Lansing Lane.

Signed:

Doyle C. Miner
Buyer

Doris Miner
Buyer

5-1-94
Date

Jerry Devereaux
Seller

Louise J. Devereaux
Seller

4-28-94
Date

Doyle C. Miner
Buyer

Doyle C. Miner
Buyer

4-30-94
Date

AUG 6 4 1994

ADDENDUM

#2

This is a addendum to that certain earnest money agreement ID#171044 between Jake and Georgia Molenaar as Buyers, and Jerry and Louise Deveraux as Sellers and originally dated February 8, 1994.

1. All parties are aware, there exists in the NW 1/4 NW 1/4 of Section 34 which parcel is part of this sale, a weir for the use of the NW 1/4 NW 1/4 of Section 34 and also for the use of the NE 1/4 NE 1/4 of Section 33. The use of irrigation water for those parcels must be done on a cooperative basis with the successive owners of said parcels, until such time as the owners, may wish to put in a new weir for the exclusive use of the NE 1/4 NE 1/4 of Section 33.

2. The Buyers of this property are purchasing under a 1031 tax free exchange. The Sellers are selling under a separate 1031 tax free exchange. The Parties are agreeable to a value allocation of \$160,000 for the NW 1/4 SW 1/4 (less 60 feet on the south boundary and \$230,000 for the NW 1/4 NW 1/4 and the SW 1/4 NW 1/4 all in Section 34.

\$150,000.00 JH JH

3. As per a letter dated April 26, 1994 from the Seller to the Buyer; The Seller has applied for a re-adjudication with the Department of Water Resources of the waste water from the property being purchased, with the exception of the spillage. The Department of Water Resources indicates this action (presently under way) may take six weeks for the advertising, etc. As with all government entities, it is not possible for us to know all the ramifications of this filing. It is something that must be done to insure your right to the waste water. The Seller will make a "good faith" effort to accomplish this adjudication on behalf of the Buyer.

Signed and dated:

Jake N. Molenaar
Buyer

Georgia A. Molenaar 5/12/94
Buyer Date

Jerry Deveraux
Seller

Seller Date

440 04 1994

RECEIVED

STATE OF IDAHO

Licensing

JUN 7 1983

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Jerry Devereaux Phone _____

of (address) Route #7, Caldwell, ID 83605, and represents to the

Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-3499, and requests that the permit and permit map be changed as follows:

NO CHANGE

1. Point of diversion: 1/4 1/4, Section _____, Township _____, Range _____, B.M.,
County of _____ Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 2.04 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs of ~~XXXXXX~~ per annum)

Amount 7.3 for storage for purposes from 1/1 to 12/31 (both dates inclusive)
(cfs of ~~XXXXXX~~ acre feet per annum) irrigation

Amount 7.3 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs of ~~XXXXXX~~ acre feet per annum) from storage

Amount 0.04 for stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs of ~~XXXXXX~~ per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	2W	33	38		25	39													102

Total number of acres to be irrigated = 102

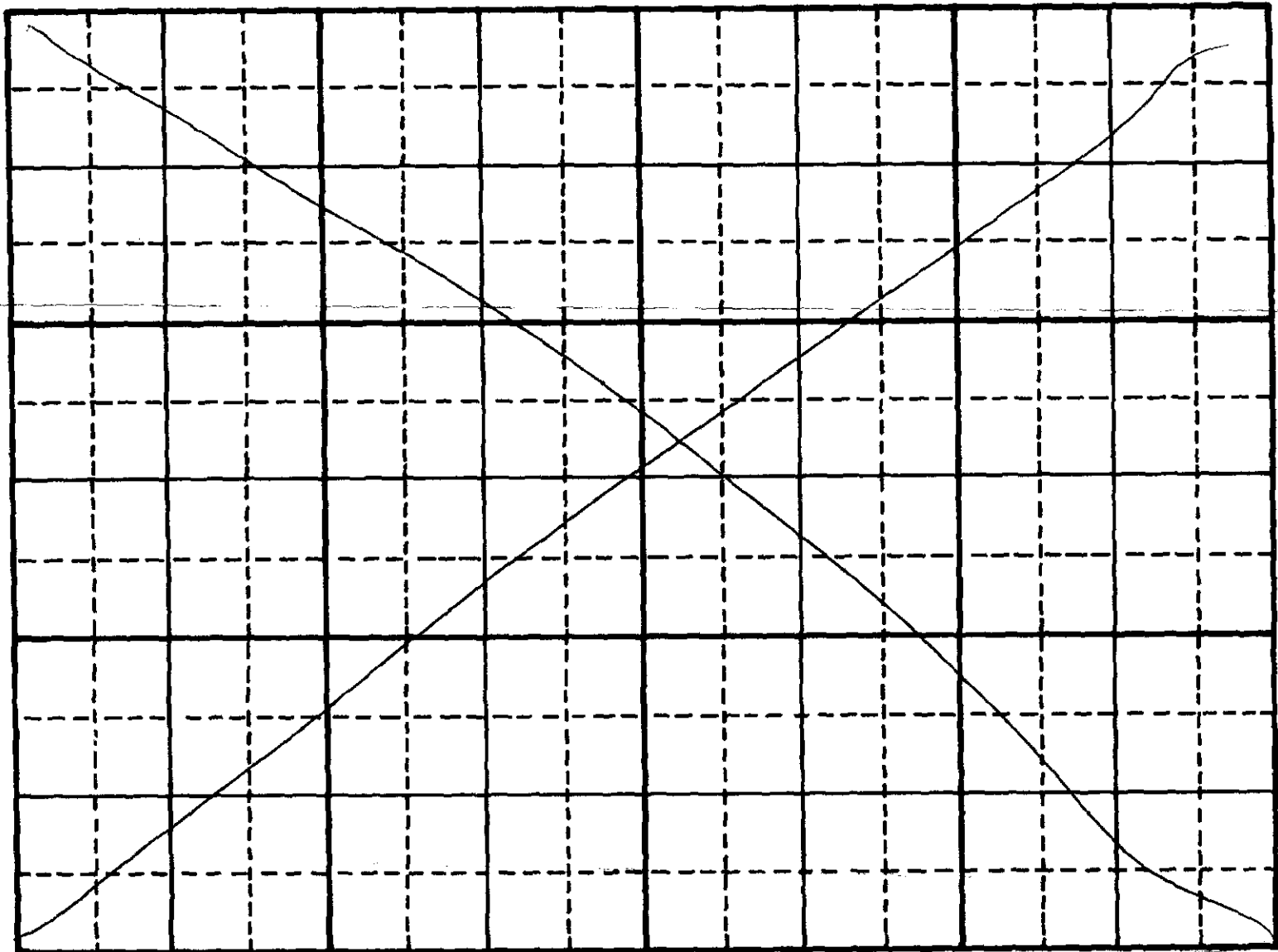
4. a. Who owns the property at the point of diversion? _____
- b. Who owns the land to be irrigated or the place of use? _____
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

MICROFILMED



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Boise, this 8TH day of June, 19 83.

Jerry Pennerup
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Jim Fee = \$20.00 Received by sg Date 6-8-83 # 30479
Publication prepared by N/A Date _____ Published in _____
Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, DIRECTOR, of the Department of Water Resources hereby
APPROVE THE ABOVE APPLICATION FOR AMENDMENT FOR PERMIT NO. 63-3499.

Witness my hand this 28 day of June, 19 83.
A. Kenneth Dunn
A. KENNETH DUNN, DIRECTOR

55. 1/2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-3499 Priority April 15, 1966 Amount 2.08 cfs

THIS IS TO CERTIFY, that Jerry Devereaux
of Caldwell, ID, has complied with the terms and conditions of Permit
No. 63-3499 issued pursuant to Application for Permit dated April 15, 1966,
and has submitted proof to the Department of Water Resources on March 28, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.23 cfs of water from unnamed drain,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation from	March 15 to November 15	at 2.04 cfs and	459.0 Acre Feet
Storage for			
Irrigation from	January 1 to December 31	at N/A cfs and	7.3 Acre Feet
Irrigation			
from storage from	March 15 to November 15	at N/A cfs and	7.3 Acre Feet
Stockwater	(both dates inclusive) January 1 to December 31	0.04 cfs	2.0 Acre Feet

Subject, however, to the condition that no more than 2.08 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
468.3 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34,
Twp. 5N, Rge. 2W in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	2W	33	38		25	39													102

Total number of acres irrigated 102

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of

June, 19 83.

MICROFILMED

Director

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
) ss.
County of Canyon.)

Verla Harker
of Caldwell, Canyon County, Idaho, being first duly
sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all
times hereinafter mentioned was over the age of twenty-one years,
and not a party to the above entitled action.

2. That I am the Principle Clerk of the News-Tribune,
a daily, (except Sunday) newspaper published in the City of
Caldwell, in the County of Canyon, State of Idaho; that
the said newspaper is in general circulation in the said County of
Canyon, and in the vicinity of Caldwell, and has
been uninterruptedly published in said County during a period of
seventy-eight consecutive weeks prior to the first publication of the
notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was
published in said newspaper

Two Times
in the regular and entire issue of said paper, and was
printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

April 21, 28, 1977

Verla Harker

Subscribed and sworn to before me this _____

28th day of April
19 77

Adam D. Kaur

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1979.

Notice is hereby given that
Jerry Desjardaux, Route 7, Cald-
well, Idaho 83605, has received
an approved Permit No.
3337, issued by the Idaho
Department of Water Resources
authorizing the diversion
storage of 2.40 cubic feet per
second of water from an un-
named stream (drain). The
priority to be established under
this permit is April 15, 1966 and
the permit was approved April
18, 1977.

Water is to be diverted by
Lavee pond, pump, pipeline
from a point within the
NW 1/4 SW 1/4, Sec. 34, Twp. 5N,
Rge. 2W, B.M., Canyon County
to be used for irrigation and
stockwater purposes in the
NE 1/4 NE 1/4, Sec. 33;
SW 1/4 SW 1/4, Sec. 34; All in Twp.
5N, Rge. 2W, B.M.

Print of the application of the
water to beneficial use was sub-
mitted to the Department on
March 28, 1977. Any protest
against the issuance of the licen-
se for the above referenced per-
mit should be filed with the
Idaho Dept. of Water Resources,
Statehouse, Boise, Idaho, 83707,
within ten (10) days of the last
date of publication of this notice.

C. STEPHEN REED

RECEIVED

MAR 28 1977

Department of Water Resources

APPLICATION FOR AMENDMENT

Permit No. 63-3499

Comes now Jerry Devereaux of (address) _____

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-3499, and requests that the permit and permit map be changed as follows:

NO CHANGE

1. Point of diversion: 1/4 1/4, Sec. Twp.

Rge. _____, B.M., County of _____ . Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount for purposes from to (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated	120
---------------------------------------	-----

NOT FILMED

A 10x10 grid with a 2x2 subgrid highlighted in bold lines. The subgrid is labeled "Rge - 2W" at the top, "Twp - 5N" on the left, "3 3" on the bottom-left, and "3 4" on the bottom-right. An asterisk is in the center of the subgrid.

FOR A. KENNETH DUNN
Administrator, Operations Division

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32837/63-3499)

in the name of Jerry Devereaux)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

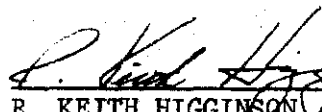
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 32837 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of works as originally specified, but will be required to submit proof to the Department of Water Administration of the application of the water to beneficial use on or before April 18, 1977. The permit holder should be aware that failure to complete one-fifth (1/5) of the works within one-half (1/2) of the time originally set for completion of works may be grounds for cancellation at the instance of the department.

Dated this 17th day of July, 1970.


R. KEITH HIGGINSON
Director

RKH/DG

63-3499
32837



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 29, 1994

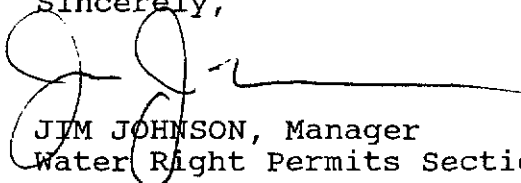
JERRY DEVEREAUX
14060 RAYMOND DR
CALDWELL ID 83605

RE: Transfer of Water Right No. 63-03499

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 4344). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

AUG 04 1994

MEMORANDUM

TO: FILE NO. 63-03499

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4344

DATE: July 26, 1994

=====

Transfer No. 4344 was filed to change the place of use under Right No. 63-03499. The originally licensed place of use is being sold without this right, which is being transferred to adjacent property. The point of diversion and the existing delivery ditch to other users will not be changed.

There are apparently no overlapping water rights, although the application implies use of some surface water canal shares on both properties. Recommended conditions include irrigation overlap and standard transfer conditions.

AUG 04 1994

TRANSFER REVIEW SHEET

Transfer # 4344

Date Reviewed 7-26-94 CS

Right(s) 63-03499 _____

B:Change P/D C:Add P/D (D)Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Canyon Co. Tax Notice (Current)

Transfer ✓ All of Right _____ Portion of Right (Part B _____)

Resulting Split(s) NONE

Check Transfer Against Right

D/4.5

(1) ✓ Priority (2) ✓ Use (3) ✓ Season (4) ✓ Rate (5) ✓ Volume
(6) ✓ Source (7) ✓ P/D (8) _____ P/U (9) ✓ Proof/Owner (10) ✓ Map
(11) NO Water District (12) NO Pertinent Conditions (13) NO Expansion

S- Total IRR VOL exceeds 4.5 af/acre - Overlap Condition will limit.
(B) Change P/U to Sec 34

Transfer Remarks Stock/150 range cattle

Conditions R32, T07, T08, T09

Database/Processing Notes T file
Database Updated 7-28-94 CS

WR0749NP
No. 63-03499

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/26/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JERRY DEVEREAUX 14060 RAYMOND DR CALDWELL ID 83605 (208) 454-1183	04/15/1966	IRRIGATION IRRIGATION STORAGE IRRIGATION FROM STORAGE STOCKWATER	03-15 11-15 01-01 12-31 03-15 11-15 01-01 12-31	2.04 CFS 0.04 CFS	459.00 AFA 7.30 AFA 7.30 AFA 2.00 AFA
TOTAL DIVERSION:					2.08 CFS	468.30 AFA

Water Source: UNNAMED DRAIN

Tributary to: WILLOW CREEK

Stage: LICENSE

Point(s) of Diversion: T05N R02W S34 NWSW CANYON County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE						
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM	
05N	02W	34	:								:	36	36	:		30	:								:	102.0
TOTAL ACRES																							:	102.0		

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: CANYON

Other Water Rights with Same Point(s) of Diversion and Source:
63-03499

Other Water Rights Listing Overlapping Place(s) of use:
63-02883

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: Stockwater use is for 150 range cattle.

Dates:	App. Received:	Priority Date:	04/15/1966
	Proof Due Date: 04/18/1977	Proof Made Date:	03/28/1977
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date: 08/01/1983		

WR0749NP
No. T63-03499

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/26/94
PAGE: 2

Misc: Water District Number: Field Exam Fee:

Comments: Date: 04/22/1994 User-ID: GRAVES Subject: TRANSFER NO. 4344
The original property is being sold without this right which is
being transferred to adjacent property.

Audit: 04/22/94 GRAVES 07/26/94 PSKAGGS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T05N R02W S33 Original P/U																										
6300123B	BOISE RIVE :																									
6303499	UNNAMED DR :	38		25		39																			102	
A6303499	UNNAMED DR :	38		25		39																			102	
76303499	UNNAMED DR :	38		25		39																			102	
6304140	WASTE WATE :						06																		6	
6304948	UNNAMED DI :																40	40			40				120	
6307563	WASTE WATE :			17			10																		27	
	C27Q-X 6 :	36	40	39	37	37	39	38	40	36	39	37	37	40	35	27	24								581	
T05N R02W S34 TRANSFER P/U																										
						36	36			30															102	
6300123B	BOISE RIVE :																									
6302883	UNNAMED ST :																									
6303226	UNNAMED ST :																								1	
A6303270	GROUNDWATE :	37	38																						32	
6303278	UNNAMED ST :	38	38																						75	
A6303278	UNNAMED ST :	38	38																						76	
6307963	GROUNDWATE :																								76	
A6307963	GROUNDWATE :																03								3	
6308034	GROUNDWATE :	37	38														03								75	
A6308034	GROUNDWATE :	37	38																						75	
6308116	GROUNDWATE :	36	33																						69	
A6308116	GROUNDWATE :	37	38																						75	
6308167	GROUNDWATE :																								2	
A6308167	GROUNDWATE :																02								2	
6308277	WASTE WATE :			18																					18	
6309739	GROUNDWATE :																								1	
6311125	GROUNDWATE :					01											01								1	
	C27Q-X 6 :	32	39	27	23	40	42	38	37	35	30	28	10	10	07										398	

No apparent overlap Old or New P/U

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: CJH APPLICANT Dexereaux

1. Right number 63-3499
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change of point of diversion ☐ Add diversion point(s) ☒ Change of place of use
☐ Change nature of use ☐ Other _____

4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☐ Period of use ☒ SRBA claim
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.

*also: forfeiture questioned
per LG, OK.*

- Need this* ☒ g. ☐ Check proof of ownership of right &/or land from which water is transferred.
- Rec'd* ☒ h. ☐ Check for expansion in use of right. Comments None apparent. Both old/new P/U's may have Black Canyon &/or Boise River rights.
- ☒ i. ☐ Check for existing water rights from same source, on land water is being transferred to.
- Right number(s) none
- ☒ j. ☐ SRBA claim. Comments Claimed as licensed

- ☒ k. ☐ Is use within Water District? ☐ Yes ☒ No
- If yes, what district? _____ Comment letter sent ☐ Yes ☐ No

sent to DWR03: Vault at

FINAL PROCESSING REVIEW BY: N/A DWR

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

4. By DWR Date 6/27/94

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
 County of Canyon)

Mary Scott

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper
Twice

—in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

May 18, 25, 1994

STATE OF IDAHO)
)
 COUNTY OF CANYON)

On this 25 day of May in the year of 1994, before me, a Notary Public, personally appeared Mary Scott, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

James Lusk
 Notary Public for Idaho
 Residing at Nampa
 MY COMMISSION EXPIRES
 JUNE 21st, 1997

RECEIVED

MAY 26 1994

WATER RESOURCES
 WESTERN REGION

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 63-03499

Notice is hereby given that Jerry Devereaux of Caldwell, Idaho has applied to the Department of Water Resources to change the following described water right(s) pursuant to section 42-222 of Idaho Code.

WATER RIGHT AS RECORDED
 Water Right No. 62-03499

Basis License

Date of Priority 4/15/1966

Source Unnamed drain tributary to Willow Creek

Amount 2.08 cfs

Use Irrigation, irrigation storage, and stockwater

Point of Div NWSW Sec 34, T05N R02W

Place of Use 102 acres in E1/2NE and SWNE Sec 33, T05N R02W

WATER RIGHT CLAIMED AS LICENSED UNDER CLAIM NO. A63-03499 BY APPLICANT IN THE SNAKE RIVER ADJUDICATION

THE FOLLOWING PORTION OF THE ABOVE WATER RIGHT NOS. TO BE CHANGED AS FOLLOWS UNDER TRANSFER NUMBER 4344

Place of Use 102 acres in W 1/2NW and NWSW Sec 34, T05N R02W

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83706 on or before June 6, 1994.

R. KEITH HIGGINSON, Director

May 18, 25, 1994

445

AUG 04 1994

MODE:F ACTION: TAX INQUIRY BY ACCOUNT as of 04/05/94 11:12 TRQK701
4R37595-000-0 05N02W330100

DEVEREAUX, JERRY R

031-00 SUBJECT TO CHANGE WITHOUT NOTICE

Area tax
Fire
Flood
Copher
Drain

14060 RAYMOND DR
CALDWELL ID 83605

33-5N-2W NE
NE NE & S 1/2 NE LESS TX 1

1st/2nd

PURPLE SAGE RD, MI

FCV/PTY 55,300 / 111.37
Homeowners
Circuit Breaker
Hard/Equi
Orig Tax

Total due
Penalty
Interest
Paid
Packet

TA BRK PII BDC TXD

RECEIVED

AUG 04 1994

RECEIVED

MAY 17 1994

WATER RESOURCES
WESTERN REGION

MODE:F ACTION: TAX INQUIRY BY ACCOUNT as of 04/05/94 11:13 TRQK701
3R37595-000--0 05N02W330100

DEVEREAUX, JERRY R

031-00 SUBJECT TO CHANGE WITHOUT NOTICE

14060 RAYMOND DR
CALDWELL ID 83605

33-5N-2W NE
NE NE & S 1/2 NE LESS TX 1

PURPLE SAGE RD, MI

FCV/QTY 55,300 / 111.37
Homeowners
Circuit Breaker
Hard/Equal
Orig Tax 891.48

Area tax	445.74	445.74
Fire		
Flood		
Gopher		
Drain		

1st/2nd	445.74	445.74
---------	--------	--------

Total due	891.48
Penalty	
Interest	
Paid	12/20/93
Packet	060051

TA BRK P11 Y BDC TXD

RECEIVED

MAY 17 1994

WATER RESOURCES
WESTERN REGION



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 10, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JERRY DEVEREAUX
14060 RAYMOND DR
CALDWELL ID 83605

RE: Application for Transfer #4344

Dear Mr. Devereaux:

Our office has received and reviewed the above-referenced application for transfer to change the place of use of waste water under water right license no. 63-03499. Tentatively, the proposed change will be advertised beginning Wednesday, May 18. However, additional information will be required before the application may be forwarded for final review.

Requests to move the use of a water right from one location to another may only be made by, or with the permission of, the owner of the land on which the right was originally developed. Under this proposal, these lands are situated in the NE $\frac{1}{4}$ of Section 33, T05N R02W.

If you still own the property, please provide proof of ownership. Acceptable forms of proof of ownership include photocopies of current property tax notices or warranty deeds. All forms must identify the property by township, range, section, and section division, and show the name of the owner.

If the property has been sold and you have withheld interest in the water rights, please provide a copy of the warranty deed or other document which transfers the property, and also a copy of the waiver signed by the buyer which releases the interest in the water rights. In many cases this waiver or relinquishment is contained within the warranty deed.

To avoid processing delays, please forward the applicable information before June 6, 1994. Feel free to call at 208-334-2190 if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Hodges".

Cindy Hodges
Sr. Water Resource Agent

A faint, rectangular stamp or mark, possibly a date stamp, located below the signature.

AUG 04 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 11, 1994

OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

Dear Legal Dept.:

Enclosed you will find A legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before June 6, 1994.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Taylor
Secretary, Office Coordinator

Enclosure

404 1994

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No:W017402

Date: 4/22/1994
Time:16:38:56

Received
From: DEVEREAUX, JERRY

Type of Payment	Program A cct	Amount
TRANSFER 4344	62105	229 21 1155
		50.00
		Total
CHECK 4127		\$50.00

Region: WESTERN

Signature: _____

Ly

NOTICE OF PROPOSED CHANGE
WATER RIGHT NO. 63-03499

Notice is hereby given that Jerry Devereaux of Caldwell, Idaho has applied to the Department of Water Resources to change the following described water right(s) pursuant to section 42-222 of Idaho Code.

WATER RIGHT AS RECORDED

Water Right No.	62-03499
Basis	License
Date of Priority	4/15/1966
Source	Unnamed drain tributary to Willow Creek
Amount	2.08 cfs
Use	Irrigation, irrigation storage, and stockwater
Point of Div	NWSW Sec 34, T05N R02W
Place of Use	102 acres in E $\frac{1}{2}$ NE and SWNE Sec 33, T05N R02W

WATER RIGHT CLAIMED AS LICENSED UNDER CLAIM NO. A63-03499 BY APPLICANT IN THE SNAKE RIVER ADJUDICATION

THE FOLLOWING PORTION OF THE ABOVE WATER RIGHT NOS. TO BE CHANGED AS FOLLOWS UNDER TRANSFER NUMBER 4344

Place of Use	102 acres in W $\frac{1}{2}$ NW and NWSW Sec 34, T05N R02W
--------------	--

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before June 6, 1994.

R. Keith Higginson
Director

Published in the Press-Tribune on May 18 and 25, 1994.

AUG 04 1994

SD-0604-2 Township: 05N			Range: 02W		Section: 34		Tract: NW		Lot:	
S	L		STATE		O	S	Max #	Records	16	
E	O	Water	Name		W	T	Priority	Use		
L	Tract T	Right No.	Last, First		N	AC	G	Date	Code	Desc
		63-00123B	JACOBS CANAL CO.		C		D	06/01/1864	01	IRR
	SENW	63-03226	CHOAT, LAURA		C	32	L	02/28/1961	01	IRR
									04	STOCK

(w/1/2 NW only)

NEW P/A - No o-laps except Jacobs Canal Co.
(BOISE RIVER water)

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

SD-0604-2 Township: 05N		Range: 02W		Section: 34		Tract: NWSW		Lot:	
S	L	STATE		O	S	Max # Records		16	
E	O	Water		W	T	Priority		Use	
L	Tract T	Right No.	Last, First		N	AC	G	Date	Code Desc

		63-00123B	JACOBS CANAL CO.		C		D	06/01/1864	01 IRR
	NWSW	63-02883	CARMAN, H. H.		C	1	L	09/24/1951	01 IRR

different acreage

New P/a - NO overlap

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

SD-0604-2 Township: 05N Range: 02W Section: 33				Tract: NE		Lot:	
S	L	STATE	O	S	Max # Records	13	
E	O	Water	W	T	Priority	Use	
L	Tract T	Right No.	N	AC	G	Date	Code Desc
		63-00123B	JACOBS CANAL CO.	C	D	06/01/1864	01 IRR
	NENE	T63-03499	DEVEREAUX, JERRY	C	38	L 04/15/1966	01 IRR
							04 STOCK
							02 IRR S
							03 IRR FS
	NENE	63-03499	DEVEREAUX, JERRY	C	38	L 04/15/1966	01 IRR
							04 STOCK
							02 IRR S
							03 IRR FS
	NWNE	63-07563	WAITE, LYNN IRA	C	17	L 03/02/1972	01 IRR
	SWNE	T63-03499	DEVEREAUX, JERRY	C	25	L 04/15/1966	01 IRR
							04 STOCK
							02 IRR S
							03 IRR FS
	SWNE	63-03499	DEVEREAUX, JERRY	C	25	L 04/15/1966	01 IRR
							04 STOCK

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

OLD P/u- No o-laps except Jacobs Canal Co.

(BOISE RIVER water)

SD-0604-2 Township: 05N Range: 02W Section: 33				Tract: NE		Lot:		
S	L	STATE	O	S	Max # Records	13		
E	O	Water	W	T	Priority	Use		
L	Tract T	Right No.	Name	N	AC	G	Date	
			Last, First				Code Desc	
-	SWNE	63-03499		-	25	L	04/15/1966	02 IRR S
-	SENE	T63-03499	DEVEREAUX, JERRY	C	39	L	04/15/1966	03 IRR FS
-								01 IRR
-								04 STOCK
-								02 IRR S
-	SENE	63-03499	DEVEREAUX, JERRY	C	39	L	04/15/1966	03 IRR FS
-								01 IRR
-								04 STOCK
-								02 IRR S
-								03 IRR FS

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

July 1, 1983

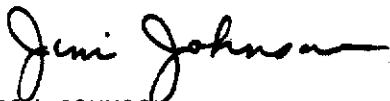
RE: No. 6308499

Jerry Devereaux
route 7
Caldwell, ID 83605

Dear Mr. Devereaux

Enclosed herewith is a copy of the Water Right License issued on the above
referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE 6-7-83

FROM

TO

SUBJECT

Address change

Jerry Devereaux

Box 80 Rt 9

Caldwell, Id

83605

MICROFILMED

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

Resent to:
FFA
per telephone
book
FF 5/26/83

[Handwritten signature]

MICROFILMED

Jerry Devereaux
Route #7
Caldwell, ID 83605

RECEIVED

MAY 25 1983

DEPARTMENT OF WATER RESOURCES

63-34117



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

May 12, 1983

RE: Permit No. 63-3499

Jerry Devereaux
Route #7
Caldwell, ID 83605

Dear Mr. Devereaux:

A representative of this Department made an examination of the works covered by your Permit No. ~~63-3499~~ and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: **2.08 cfs** Source: **unnamed drain**

The maximum quantity diverted shall not exceed **468.3** acre feet per year.

Point of diversion: **NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, Twp. 5N, Rge. 2W, Canyon County**

Beneficial use: **Irrigation of 102 acres, storage for irrigation, irrigation from storage and stockwater uses within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 33, Twp. 5N, Rge. 2W**

Priority date established: **April 15, 1966**

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

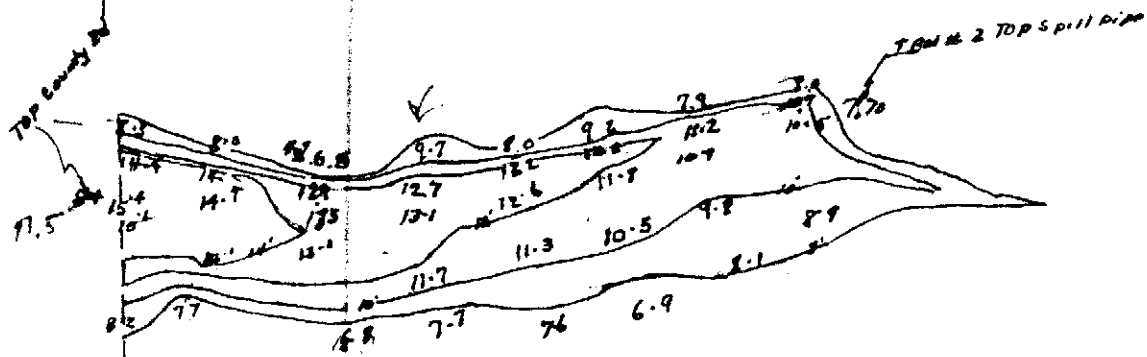
Prop
provided by:
Soil conservation Service

$$2.4 \text{ cfs} \cdot 4.8 \text{ AC/day} \times 4 = 19.2$$

No 2 INFLOW

$$120 \text{ min} = 2.4 \text{ cfs} = 4.8 \text{ AC-FT/day}$$

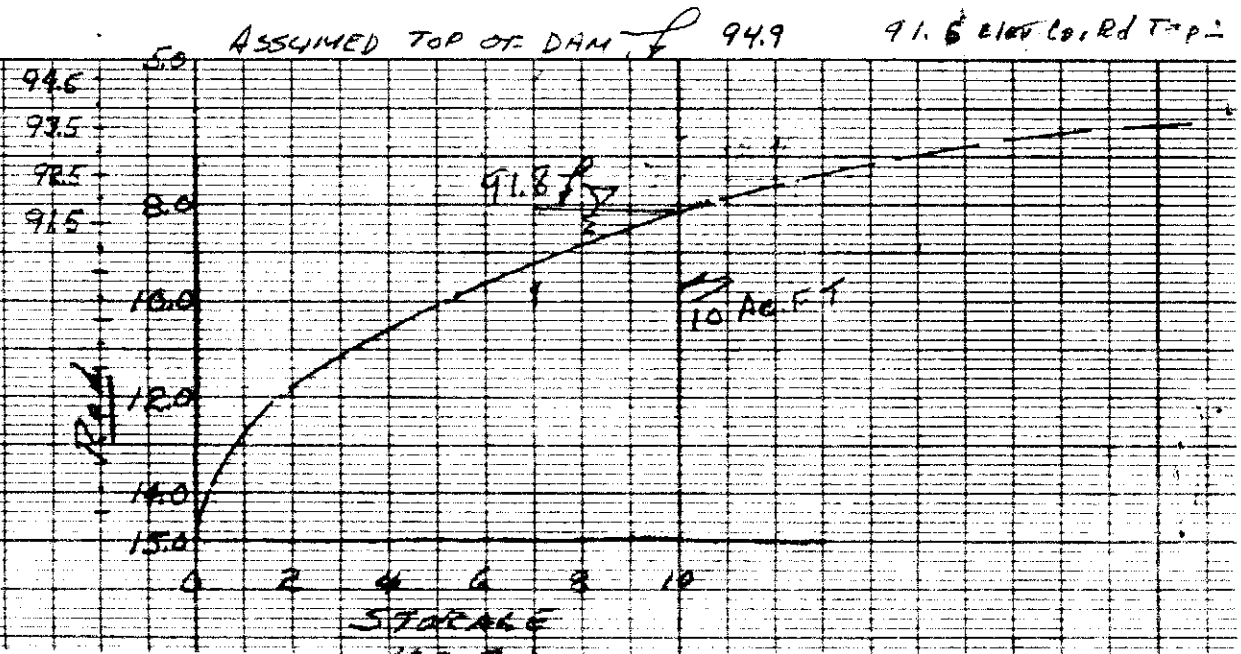
$$\pm \text{DAY} = \frac{10.6}{4.8} = 2.2 \text{ DAY/3}$$



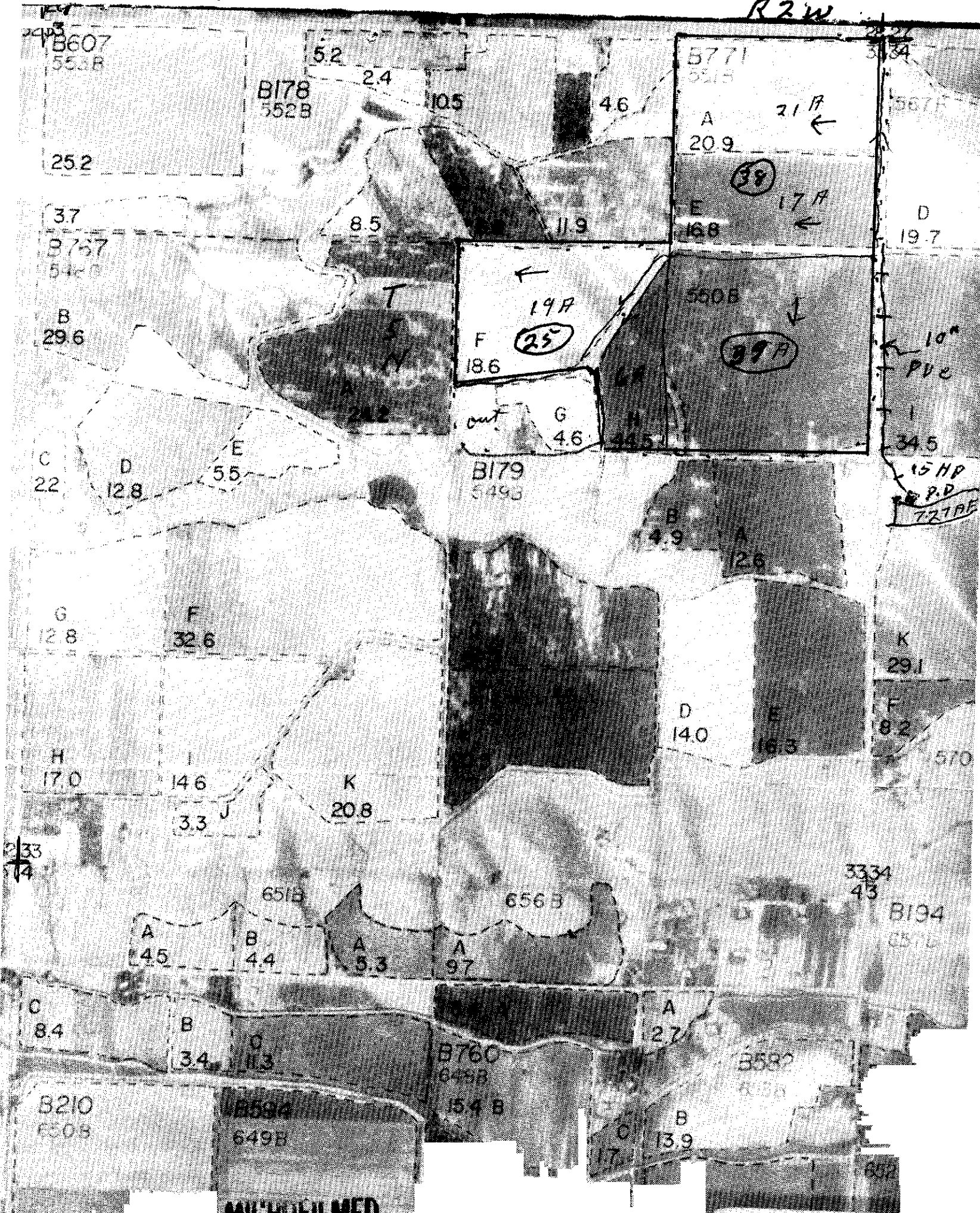
8' Embankment	(3.5) (0.9183)	3.22	
10' "	(2.4) (0.9183)	2.20	2.20
12' "	(1.35) (0.9183)	1.20	1.50
14' "	(0.40) (0.9183)	0.37	0.37
		7.27	4.07

Total acre ft = 7.27

ASSUMED WS @ 9.0' VOL



R2W



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NOT TO SCALE

30ft lift - 15HP
1500ft - 10PDE

Black Canyon Irr Dist

7AF Bond

Waste water

102 acre irr.

Model 15X0220 ^{X H5P} ~~X H5P~~ - 15 G.E.

Serial # DMJ407290 - Turbine - Bushley

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

63-3499

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)	12/16/80 9 AM	JKM	

EXAMINATION

Date 12/16/80 Accompanied by Gerry Devereaux Total Q measured 2.263
If source is surface water, estimate total flow of source
Methods of measurement calc. est. Meets Permit requirements?

Measurement calculations: capacity
Total friction loss $2 \times EK(HV) 11.34 + 4 \text{ pump elbows etc} = 15.34$
+ 31' static hd = $46.34 \times 2.23 = 103.34 \div 8.8 = 11.74 \text{ theoretical H.P.} \div 80\% \text{ eff} = 14.7 \text{ H.P. Req 15 HP}$
7.27 AFA Reservoir See attached topog. $102 \text{ A} \times 0.02 = 2.04 \text{ cfs}$ $102 \times 4.5 = 459 \text{ AFA}$
 $Stock = 150 \times 12 \text{ GP/da} = 1800 = .033 \text{ cfs} \times 1.98 \times 30.4 = 1.99 \text{ AFA}$ Total DIV = $2.23 + .033 = 2.263$
 $2 \text{ hrs} \times 60 \times 450 = 54000$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	15	G.E.	DMJ40290	Burkley	-			

System Description 10" PVC - 1438' length - 15 HP motor - Gravity Irrigation system.
7.27 AFA Reservoir.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement =		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
Irrigation	2.04 ✓	459 ✓	3/15	11/15
Storage for irrigation		7.27 ✓	111	12/31
Irrigation from storage		7.27 ✓	3/15	11/15
Stockwater	.033 ✓	1.99 ✓	111	12/31
Total	2.08	468.3 ✓		

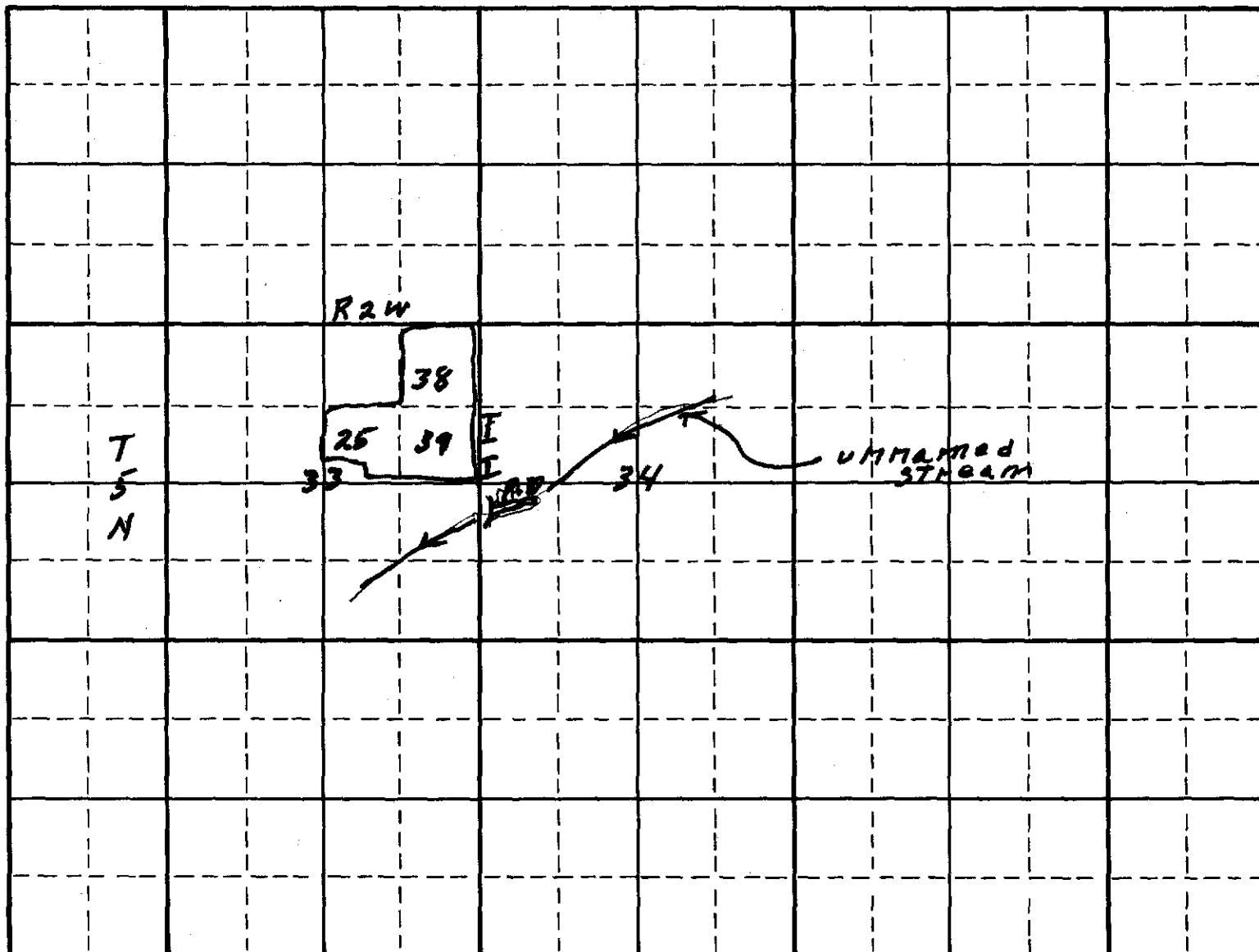
Remarks 150 hd Range
Topog & Elevations provided by SCS.
Supplemental water at Ta Black Canyon gr. District

Expansion check for Amending nature of use

Original Permit allowed 2.4 cfs @ 120 Acres
 $120 \times 4.5 = 540.0 \text{ AFA}$
 $2.4 \times 1.9835 \times 245 = 1166.3$
Amending nature of use would not expand the original permit
Rn 471.05

MICROFILMED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

MICROFILMED

Point(s) of diversion: NW SW BDC 34 T5N R2W

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	2W	33	38		25	39													102

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

☐ None

☒ Other

Storage for Irr.

Add-Irr. from storage

Examiner's Signature

John H. Meyer

Date 12/18/80

Checked by

DBS

Date 12/18/80

Approved by

Relip

Date 4/21/83

File

May 21, 1980

328 37

Gerald L. Weston, Esq.
P.O. Box 640
Caldwell, ID 83605

63-3487

RE: Jerry Devereaux: Transfer of waste water

Dear Jerry:

I am enclosing a 1975 memorandum decision and order of the Department of Water Resources in which a transfer was denied based upon the "enlargement in use" standard of I.C. 42-222. This was the first of the Department's decisions under this standard and represents the general manner in which the standard is applied.

With respect to my comments that a change in the place of use is an element to be considered with enlargement, you may want to examine Justice Bakes' citations at 98 Id. 96 (1977 - concurring/dissenting opinion in Nettleton v. Higginson).

Please call me as you have additional thoughts or questions about this problem.

Very truly yours,

Josephine P. Beeman
Deputy Attorney General
Department of Water Resources

JPB:jn

Enclosures

cc: Dave Tuthill ✓

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 25, 1980

Mr. Jerry Devereaux
Route #7
Caldwell, Idaho 83605

Dear Mr. Devereaux:

In response to your visit to this office, the Department has analyzed the water delivery situation on your property with respect to the right to the use of wastewater generated from your property. Our understanding of the facts in the case is described below.

SITUATION

The attached photo shows all lands in question. For ease of description, the parcels of land are designated as follows:

- | | |
|------------------------------|------------------------------|
| (1) NENE (38 acres), Sec. 33 | (3) SWNE (18 acres), Sec. 33 |
| (2) NWNW (22 acres), Sec. 34 | (4) SENE (46 acres), Sec. 33 |

All four parcels are owned by Mr. Jerry Devereaux. The lands are located within the Black Canyon Irrigation District. Parcels (1) and (2) are on one District assessment and receive District water from headgate A (in red) diverted from the main canal (in blue). Parcels (3) and (4) are on a different District assessment since they were acquired by Mr. Devereaux independently from parcels (1) and (2). Parcels (3) and (4) receive District water from headgate B diverted from the same main canal.

In addition to the District water, parcels (1), (3) and (4) have a water right from Permit 63-3499 with source of unnamed drain. The point of diversion from this source is at pond "Z". Water is pumped north through a pipeline and dumped into the gravity flow system for parcel (1), and for parcels (3) and (4).

Wastewater from parcels (1) and (2) flows into pond "X". Wastewater from parcel (4) currently flows from the property but could be collected in pond "Y" if the pond were constructed. Wastewater from parcel (3) flows from the property in a northwesterly direction; no plans have been made for collection of this water.

MICROFILMED

Mr. Devereaux proposes to collect wastewater in ponds "X" and "Y", and return this water to pond "Z" for recirculation to parcels (1), (3) and (4).

Another wateruser, Mr. Waite, has an existing permit (63-7563) and claim (63-4140) for the waste water that has in the past flowed westerly from parcel (1).

ANALYSIS

The question that arises in this case is whether Mr. Devereaux has the right to divert all of the water entering pond "X", and pump it to the system that irrigates parcels (1), (3) and (4). The principle that an irrigator is entitled to pump back his own wastewater is well founded. However, this principle is normally applied to a system where the waste water is applied to lands from which the water came. In this situation, two complications exist:

- 1) Part of the supply for pond "X" comes from parcel (2), which would receive none of the wastewater.
- 2) Parcel (3) provides none of the wastewater, yet would receive a portion since the delivery system would not separate the wastewater from the District water and unnamed drain water.

DISCUSSION

The basic determination that must be made to resolve this matter is a definition of field size. To clarify this concept, take the situation of parcels (1) and (2). If the field size is determined to be the sum of the parcels, then the argument could be made that by reapplying the wastewater to only parcel (1), the requirement that the wastewater must be applied to the lands from which it drains is satisfied. If, on the other hand, the field size is determined to be only one parcel, then only the portion of wastewater contributed by parcel (1) could be reapplied by Mr. Devereaux. The amount contributed by parcel (2) would have to be released to satisfy the downstream water right of Mr. Waite. A similar argument could be made for parcels (3) and (4).

CONCLUSION

Given the situation where parcels (1) and (2) are irrigated from one District headgate, and are under one ownership, and are adjoining, a reasonable conclusion is that the field size should be a total of the two parcels. The same analysis can be applied to parcels (3) and (4). Therefore, wastewater from parcels (1) and (2) could be collected and reapplied to parcel (1) without regard to existing downstream rights. Similarly, wastewater from parcel (3) could be collected and applied to parcels (3) and (4) without regard to existing downstream rights.

MICROFILMED

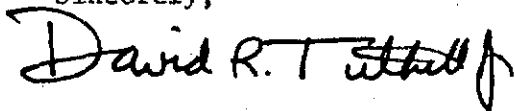
Mr. Jerry Devereaux
April 25, 1980
Page 3

It is reasonable to conclude that if Mr. Devereaux constructs facilities to recirculate wastewater from ponds "X" and "Y", this wastewater could be combined and delivered through the existing system from pond "X" without regard to downstream rights, if the rate applied to parcel (1) were limited to the amount provided by pond "X", and if the amount applied to parcels (3) and (4) were limited to the amount provided by pond "Y".

This conclusion must be qualified by two factors. First, it can be correct only to the extent that the facts stated in the situation are correct. Second, if taken to court this decision must be interpreted as the best estimate of the Department given a basic analysis of the water problem in question. The Department legal counsel has participated in this decision - but in the brief time available, a complete analysis cannot be made.

The intent of this letter is to give you, Mr. Devereaux, our best estimate of the situation. Please contact me if this analysis does not adequately portray your situation.

Sincerely,



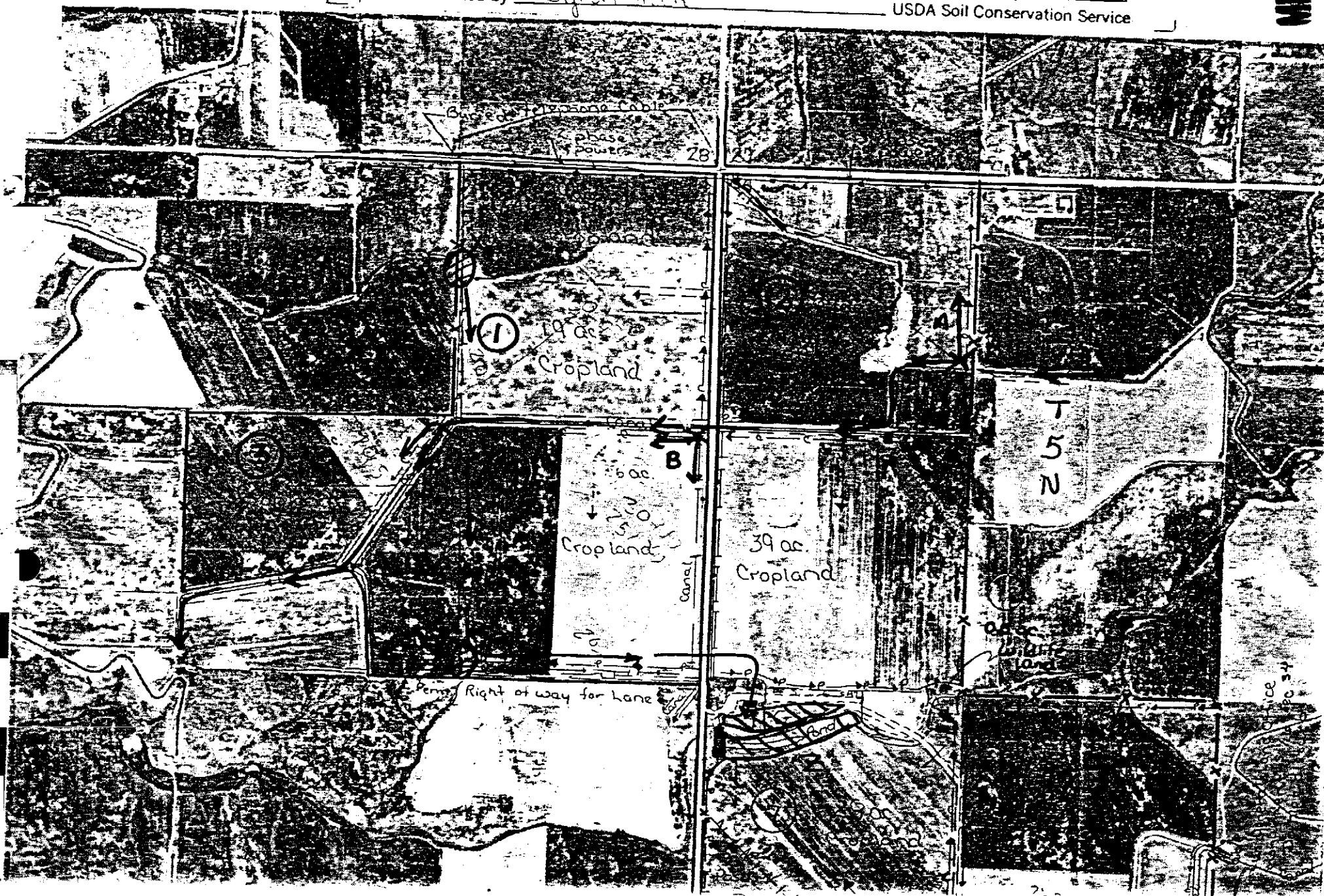
DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocation Section

DRT:jg

MICROFILMED

Owner Jerry Devereaux Operator Jerry Devereaux
County Canyon State Idaho Date 2/2/76
Approximate acres 310 Approximate scale 8" = 1 Mi
Cooperating with Canyon Soil _____ Conservation District _____
Plan identification _____ Photo number 148-703
Assisted by Byron Fitch USDA Soil Conservation Service

MICROFILMED



June 6, 1977

Re: Permit No. 63-3499

Jerry Devereaux
Route 7
Caldwell, Idaho 83605

Dear Mr. Devereaux:

We acknowledge receipt of the affidavit of publication submitted in connection with Permit No. 63-3499.

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 18 1977

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 12, 1977

Re: Permit No. 63-3499

*Please
pull
j*

Jerry Devereaux
Route 7
Caldwell, Idaho 83605

Dear Mr. Devereaux:

We have caused the legal notice for the above referenced permit to be published in the News-Tribune on April 21, 1977 and April 28, 1977.

You will be required to submit an affidavit of publication to this office. The affidavit may be obtained from the above mentioned newspaper upon payment of the publication fee. We have asked the newspaper to bill you direct.

Sincerely,

Janice Renk

JANICE RENK
Water Rights Secretary

jr

Enclosed is the affidavit of publication for our water filings from the newspaper.

Mrs. Jerry Devereaux

MICROFILMED

STATEMENT

The News-Tribune

P. O. Box 1179

CALDWELL, IDAHO 83605

Date. April 28, 1977

- Jerry Devereaux
Route 7
Caldwell, Idaho 83605

NOTICE OF EXISTING WATER PERMIT - 32837/63-3499

41 lines 2 days - April 21, 28, 1977

1 day	@ .22	per col. line	\$9.02
1 day	@ .15	per col. line	<u>6.15</u>
			15.17

pd
4/30/77
AM

Upon payment of this statement affidavit
will be sent on last day of publication

April 12, 1977

Re: Permit No. 63-3499

Jerry Devereaux
Route 7
Caldwell, Idaho 83605

Dear Mr. Devereaux:

We have caused the legal notice for the above referenced permit to be published in the News-Tribune on April 21, 1977 and April 28, 1977.

You will be required to submit an affidavit of publication to this office. The affidavit may be obtained from the above mentioned newspaper upon payment of the publication fee. We have asked the newspaper to bill you direct.

Sincerely,

JANICE RENK
Water Rights Secretary

jr

MICROFILMED

April 12, 1977

Re: Permit No. 32837/63-3499

News-Tribune
Box 1179
Caldwell, Idaho 83605

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact this office immediately.

The expense of the publication is to be paid by:

Jerry Devereaux
Route 7
Caldwell, ID 83605

to whom you should furnish an affidavit of publication.

Very truly yours,

JANICE RENK
Water Rights Secretary

Jr

Encl.

MICROFILMED

Janic

RECEIVED

NOTICE OF EXISTING WATER PERMIT

APR 11 1977

Notice is hereby given that Jerry Devereaux Department of Water Resources

Route 7, Caldwell, Idaho 83605 has received an approved Permit No.

32837/63-3499 issued by the Idaho Department of Water Resources ~~XXXXXXXXXXXX~~ auth-

orizing the diversion storage of 2.40 cubic feet per second ~~XXXXXXXXXX~~

~~XXXXXXXXXX~~ of water from an unnamed stream(drain)

The priority to be established under this permit is April 15, 1966

and the permit was approved April 18, 1966

Water is to be diverted by Levee pond, pump, pipeline
from a point within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, Twp. 5N, Rge. 2W, B.M., Canyon County

to be used for Irrigation and stockwater purposes

in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 33; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34; All in Twp. 5N, Rge. 2W, B.M.

Proof of the application of the water to beneficial use was ~~XXXXXXXXXX~~
submitted to the Department on ~~XXXXXXXXXX~~ March 28, 1977. Any protest
against the issuance of the license for the above referenced permit should
be filed with the Idaho Dept. of Water Resources ~~XXXXXXXXXXXX~~, Statehouse, Boise,
Idaho, 83707, within ten (10) days of the last date of publication of this
notice ~~XX~~
~~XX~~

~~XXXXXXXXXXXX~~
C. STEPHEN ALLRED
Director

Published in the _____
on _____ and _____

Permit No. 63-3499

Director:

You are hereby authorized to have the above notice published at my expense
in the News-Tribune of Caldwell, Idaho;
published in the county in which the works are situated.

MICROFILMED

Jerry Devereaux
(Signature)

At # 7 Caldwell, Ida
(Address)

April 7, 1977
(Date)

April 6, 1977

Re: Permit No. 63-3499

Jerry Devereaux
Route 7
Caldwell, Idaho 83605

Dear Mr. Devereaux:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is a copy of the approved application for amendment issued on this permit.

Before a license can be issued, or a field examination can be scheduled, it will be necessary that notice of the permit be published for two consecutive weeks, at your expense, in a newspaper as prescribed by the Department. If you will complete and return the enclosed advertising authorization, we will cause the notice to be published.

Please return the authorization at your earliest convenience and if you have any questions, feel free to contact us.

Sincerely,

JANICE RENK
Water Rights Secretary

Jr

Enl.

MICROFILMED

Identification No. _____

Permit No. 63-3499

RECEIVED
MAR 23 1977
OF J
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Jerry Devereaux
b) Post Office Address Route #7, Caldwell, ID 83605 Phone: 454-1183
2. Permit Number 63-3499
3. Date of Priority that you are prepared to establish April 15, 1966
4. a) Source from which water was appropriated drain
b) Location of the point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34
Township 5N, Range 2W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 2.4 cfs for irrigation purposes from Mar. 15 to Nov. 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 2.4 cfs cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: none
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Levee pond, pump & pipeline, 15 hp pump - 10" pipeline.

b) Describe the type and size of measuring device which you have installed at your point of diversion: None required

c) Give well driller's name and address and the date the well was completed: _____

If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Can be used for stockwater.

Microfilm

Exam by 5/23/77 J

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	2W	33	40		30	40													110
		34									10								10

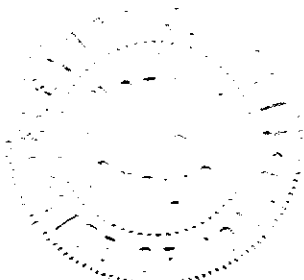
Total number of acres irrigated 120

10. Remarks:

The above information is a true statement of the extent to which the above numbered permit has been developed.

3/28/77 (Date) Jerry Demmay (Signature)

State of Ark)
County of Ada) ss.
On this 28th day of March, 1977, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



My commission expires 6/15/77

Cheaney Woods
Notary Public residing at Boise, Id.

January 31, 1977

CERTIFIED MAIL ¹³⁸²⁵³

Re: Permit No. 63-3499 (Old No. 32837)

Jerry Devereaux
Route 1
Caldwell, Idaho 83605

Dear Mr. Devereaux:

One of the conditions of approval of your water Permit No. 63-3499 (see last page of your approved permit) was that evidence of the extent of development be submitted ~~Apr 11 1977~~ application of water to beneficial use to this office on or before . Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

RECEIVED

July 31, 1970

Re: Permit No. 32837/63-3499

Mr. Jerry Devereaux
Route #1
Caldwell, Idaho

Dear Mr. Devereaux:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enc: order
advertising package

63-3499

32837

April 21, 1966

Re: Permit No. 32837

Jerry Devereaux
Route #1
Caldwell, Idaho

Dear Mr. Devereaux:

We enclose Permit No. 32837 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer

XXXXXXXXXXXXXXXXXXXX

We also enclose Departmental Receipt No. 33170 which was issued covering payment in the amount of 5.50 ~~was given to you~~ at the time you were for other offices mentioned permit.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:efw
permit
Enc:

32837

NAME OF APPLICANT

Jerry Deveredux

Form No. 0

Reg. 2 (e) B. M.

Top. 5 N.

P.D. 50

34

32837

PERMIT TO EXCAVATE

As Approved

APR 18 1966

CARL E. TAPPAN

State Reclamation Engineer

Office Copy

ACKNOWLEDGEMENT

Date: _____

Re: Application No. _____

I hereby acknowledge that, even though I was assisted by employees of the Idaho State Department of Reclamation in the preparation of Application No. _____, all responsibility with regard to the accuracy and completeness of the information contained therein rests with me.

Signed:

Jerry Divercamp

Applicant

32837

Deluc